

REMARKS

In the Office Action mailed August 17, 2006,¹ the Examiner rejected claims 1-12, 14, 15, 23-36, 38-52, 54, 55, 63-76, and 78-86 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,065,198 to Brown et al. ("*Brown*") in view of U.S. Patent Application No. 2004/0103152 to Ludwig et al. ("*Ludwig*"); and rejected claims 16-22 and 56-62 under 35 U.S.C. § 103(a) as being unpatentable over *Brown* in view of U.S. Patent Application No. 2003/0046071 to Wyman ("*Wyman*"). The Examiner also objected to claims 13, 37, 53, and 77 as being dependent upon rejected base claims, but allowable if rewritten in independent form.

By this Amendment, Applicants have amended claims 16 and 56. Claims 1-86 are currently pending. Each of the above rejections is respectfully traversed for the following reasons.

I. The Rejection of Claims 1-12, 14, 15, 23-36, 38-52, 54, 55, 63-76, and 78-86 Under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 1-12, 14, 15, 23-36, 38-52, 54, 55, 63-76, and 78-86 under 35 U.S.C. § 103(a) for at least the reason that the references do not teach or suggest each and every element recited in the claims.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First, all the claim limitations must be taught or suggested by the prior art. See M.P.E.P. § 2143.03 (8th ed., rev. 4, Oct. 2005).

¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to certain requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references) is not a concession by Applicants that such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of these requirements must “be found in the prior art, not in applicant’s disclosure.” M.P.E.P. § 2143 (8th ed., rev. 4, Oct. 2005).

Claim 1, for example, recites a method comprising, “selectively deleting [] stored audio stream data, while [a] conference call is ongoing, based on a determination that a user has exited the conference call” (emphasis added). The cited references fail to teach or suggest this subject matter of claim 1.

The Examiner concedes, “*Brown* does not disclose selectively deleting the identification, while the conference call is ongoing, based on a determination that a user has exited the conference call” (emphasis added) (Office Action at p. 5). While Applicants agree, because claim 1 recites deleting “stored audio stream data” and not an “identification,” Applicants will provide remarks further distinguishing *Brown*.

Brown discloses, “[i]f the user requests the deletion of one or more calls ... the identified calls are deleted” (*Brown* col. 22, lines 57-60). However, *Brown* is silent as to deleting calls based on a determination that a user has exited a conference call. *Brown*, therefore, fails to teach or suggest the claimed “selectively deleting [] stored audio stream data, while [a] conference call is ongoing, based on a determination that a user has exited the conference call” (emphasis added).

Ludwig fails to cure the deficiencies of *Brown*. The Examiner alleges, “*Ludwig* discloses this feature (see paragraph 0161),” apparently referring to the phrase

“selectively deleting the identification, while the conference call is ongoing, based on a determination that a user has exited the conference call” (Office Action at p. 5). Even assuming *Ludwig* teaches “selectively deleting the identification” in the manner alleged by the Examiner, *Ludwig* fails to teach selectively deleting “stored audio stream data” in the same manner.

Indeed, the cited portions of *Ludwig* merely disclose, “[u]sers may leave a conference just by hanging up, which causes the AVNM to delete the associated callhandles” (*Ludwig*, ¶ 161). However, the “callhandles” disclosed in *Ludwig* are not “audio stream data.” Instead, *Ludwig* discloses, “[w]hen a call is initiated, the CMW typically provides a screen display that includes a live video picture of the remote conference 3 to provide port-to-port connections in response to connection requests from clients. The primary data structure used by the AVNM for managing these connections will be referred to as a callhandle, which is comprised of a plurality of bits, including state bits” (*Ludwig*, ¶ 145). Thus, the callhandles deleted in *Ludwig* are not audio stream data, but rather data structures for managing port connections. *Ludwig*, therefore, fails to teach or suggest the claimed “selectively deleting [] stored audio stream data, while [a] conference call is ongoing, based on a determination that a user has exited the conference call,” as recited in claim 1 (emphasis added).

Although of different scope, independent claims 23, 24, 31, 41, 63, 64, 71, and 81-86 recite subject matter similar to that discussed above with respect to claim 1, subject matter which is not taught by the cited references. Claims 2-12, 14, and 15 depend from claim 1; claims 25-30 depend from claim 24; claims 32-36 and 38-40 depend from claim 31; claims 42-52, 54, and 55 depend from claim 41; claims 65-70

depend from claim 64; and claims 72-76 and 78-80 depend from claim 71. These dependent claims are distinguishable from the cited references at least due to their dependence from their respective base claims.

Because the cited references fail to teach or suggest each and every claim element recited by claims 1-12, 14, 15, 23-36, 38-52, 54, 55, 63-76, and 78-86, no *prima facie* case of obviousness has been established with respect to these claims. Applicants therefore respectfully request the Examiner to withdraw the rejection of the claims under 35 U.S.C. § 103(a).

II. The Rejection of Claims 16-22 and 56-62 Under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 16-22 and 56-62 under 35 U.S.C. § 103(a) for at least the reason that and do not teach or suggest each and every element recited in the claims.

For example, claim 16 recites, among other things, a method “wherein the audio stream is sent to a first destination device associated with one of the plurality of users invited to the conference call who declines to participate in the conference call” (emphasis added).

Brown discloses a “personal telephony recorder system” that “provides services to participants engaged in a teleconference. For example, if one of the participants is dropped from the conference call, the personal telephony recorder informs the other participants of the drop. When the user reconnects to the personal telephony recorder, the device provides the reconnected participant with the ability to listen to the portion of the call that was missed” (*Brown* col. 6, lines 28-47). *Brown*, however, is silent as to

providing services to a user who declines to participate in the conference call. *Brown* therefore fails to teach or suggest that “the audio stream is sent to a first destination device associated with one of the plurality of users invited to the conference call who declines to participate in the conference call,” as recited in claim 16 (emphasis added).

Wyman fails to cure the deficiencies of *Brown*. *Wyman* discloses a “voice recognition apparatus and method [that] processes a voice audio stream” (*Wyman*, abstract). *Wyman*, however, is silent as to providing services to a user who declines to participate in a conference call. *Wyman* therefore fails to teach or suggest that “the audio stream is sent to a first destination device associated with one of the plurality of users invited to the conference call who declines to participate in the conference call” as recited in claim 16 (emphasis added).

Although of different scope, independent claim 56 recites subject matter similar to that discussed above with respect to claim 16, subject matter which is not taught by the cited references. Claims 17-22 depend from claim 16, and claims 57-62 depend from claim 56, and are distinguishable from the cited references at least due to their dependence from their respective base claims.

Because the cited references fail to teach or suggest each and every claim element recited by claims 16-22 and 56-62, no *prima facie* case of obviousness has been established with respect to these claims. Applicants therefore respectfully request the Examiner to withdraw the rejection of the claims under 35 U.S.C. § 103(a).

III. The Objection to Claims 13, 37, 53, and 77

Applicants thank the Examiner for indicating that these claims recite allowable subject matter. In light of the remarks and amendments presented herein, Applicants submit that claims 13, 37, 53, and 77 are dependent from allowable base claims, thus obviating the objection.

IV. Conclusion


In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

If there is any fee due in connection with the filing of this Reply, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

Dated: November 16, 2006

By: _____

A handwritten signature in black ink, appearing to read 'Walter D. Davis, Jr.', written over a horizontal line.

Walter D. Davis, Jr.
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